

REMARKS

The office action of March 23, 2006, has been carefully considered.

It is noted that the drawings are objected to under 37 C.F.R. 1.83(a).

Claim 7 is object to for containing various informalities.

Claims 6, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1, 2, 5 and 9 are rejected under 35 U.S.C. 102(b) over the patent to Burgess Jr.

Claims 3, 4 and 6-8 are rejected under 35 U.S.C. 103(a) over Burgess Jr.

Finally, it is noted that claim 10 would be allowable if rewritten in independent form.

In view of the Examiner's rejections of the claims, applicant

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has amended claims 1, 3 and 7-10, and added new dependent claim 11.

In connection with the Examiner's objection to claim 7, applicant has amended the claim and added new claim 11 to address the points raised by the Examiner.

In view of these considerations it is respectfully submitted that the objection to claim 7 is overcome and should be withdrawn.

It is respectfully submitted that claims 6, 8 and 9 now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended these claims to address the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 6, 8 and 9 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous

manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent to Burgess, Jr., it can be seen that this patent discloses a vibratory conveyor. Known vibratory conveyors (including the vibratory conveyor disclosed in Burgess, Jr.) convey materials or articles over a preferably inclined path, that is with a permanently set angle of inclination of the vibrating conveyor. This fixed inclination angle leads to problems if articles with different coefficients of friction are to be conveyed by the vibrating conveyor, as is discussed in the introduction portion of the description of this application.

According to the present invention, in order to solve these problems a device for adjusting the angle of inclination of such a vibrating conveyor is provided. For adjusting the angle of inclination of the vibrating conveyor without much effort between (at least) two different angles of inclination, the present invention provides a clamping element for the adjusting device, which can easily and manually be actuated due to its structure. This structure is defined in claim 1.

In contrast, Burgess, Jr. discloses a device for adjusting the spring angle of at least two springs 12, 13, 14, which are co-acting

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between a vibrating conveyor 10 and a vibrating conveyor carrier 11, wherein the angle of inclination of the vibrating conveyor is always constant.

Burgess, Jr. deals with a problem of conventional spring systems for vibrating conveyors, namely that the vibrating conveyor carrier may vibrate itself and may transmit these vibrations back to the conveyor, leading to a loss in efficiency, speed of transfer and its uniformity of the conveying process (Burgess, Jr. col. 1, lines 24-39). In order to improve the vibrating conveyor in view of the above mentioned problems regarding the spring system, Burgess Jr. disclose a spring system (see Fig. 1 of Burgess), where springs 12, 13, 14, are rotatably fixed on a base (the vibrating conveyor carrier) 11 and can be fixed on the receptacle (vibrating conveyor) 10 by means of radially disposed bolt receiving holes 26 and bolts 21. As can be clearly seen from Fig. 1, the receiving holes 26 are radially disposed such that a spring angle θ , which is the angle between the vertical line in Fig. 1 and the longitudinal orientation of a spring 14 (12, 13) can be varied. However, the distance between the conveyor 10 and the conveyor carrier 11 remains fixed along the entire length of the conveyor 10, such that the angle of inclination of the conveyor 10, which in Fig. 1 is 0° (conveyor 10 and conveyor carrier 11 are parallel) does not change. This is due to the radially disposing

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of the bolt receiving holes 26 in Fig. 1 (or of the arcuate slot 65 in Fig. 3).

Accordingly, the vibrating conveyor cannot be clamped in a detachable manner to an abutment of the vibrating conveyor carrier at a minimum of two different angles of inclination of the vibrating conveyor, while the clamping element of the presently claimed invention can do so.

Accordingly, the subject-matter of claim 1 is new over Burgess. Burgess does not address the problem of the angle of inclination of the vibrating conveyor at all, but deals with a completely different problem as discussed above. Thus, Burgess, Jr. does not disclose or suggest the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 2, 5 and 9 under 35 U.S.C. 102(b) and the rejection of claims 3, 4 and 6-8 under 35 U.S.C. 103(a) over the above-discussed reference are overcome and should be withdrawn.

In connection with the objection to the drawings, applicant submits that Fig. 2 shows two recesses of the vertical edge of the

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first opening 5 as recited in claim 6, albeit on a small scale.

Applicant submits that the drawings are sufficient to permit those skilled in the art to understand the invention recited in claim 6.

In view of these considerations it is respectfully submitted that the objection to the drawings under 37 C.F.R. 1.83(a) is overcome and should be withdrawn.

Applicant has also amended claim to so that it is in independent form. This claim should now be in condition for allowance.

Reconsideration and allowance of the present application are respectfully requested.

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Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on June 20, 2006.

By: *Friedrich Kueffner*

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